

P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 653-8007
(916) 653-0989 FAX
Website: www.bof.fire.ca.gov



**BOARD OF FORESTRY AND FIRE PROTECTION
FULL BOARD OF FORESTRY MEETING**

**Sacramento, CA
September 12, 2011**

BOARD OF FORESTRY MEMBERS PRESENT:

Stan Dixon, Chairman
Pam Giacomini
Bruce Saito
Mark Andre
Jim Ostrowski

BOARD OF FORESTRY MEMBERS ABSENT:

BOARD STAFF:

George Gentry, Executive Officer
Eric Huff, Executive Officer, Forester's Licensing
Linda Cano, Executive Assistant

The Board's Mission:

To lead California in developing policies and programs that serve the public interest in environmentally, economically, and socially sustainable management of forest and rangelands and a fire protection system that protects and serves the people of the state.

1. Reconvene Regular Session.
2. No Executive Session was held.
3. Approval of Minutes from Previous Meetings. Action deferred.

MONTHLY BOARD REPORTS

4. Report of the Chairman.

The Chair, along with Board staff, attended Jere Melo's memorial service. The Chair, the Executive Officer, and Pete Ribar shared memories and thoughts about Jere.

5. Report of the Director/Department.

- The director reported on the numerous fires started as a result of lightning strikes across Northern California. Resources are being dispatched from Southern California as those fires come under control.
- Announced steps to assist in filling the Regulations Coordinator position.
- Budget reductions are under consideration and evaluation.

6. Report of the US Forest Service. Jeanne Wade Evans, Deputy Regional Forester, Forest Service, Region 5.

Ms. Evans reported on the current fire situation, reforestation efforts, and fire research.

7. Report of the Natural Resources Conservation Service, Ed Burton, State Conservationist.

Postponed

8. Report of the Regulations Coordinator.

Mr. Huff reported on the status of the Aspen Restoration rules

9. Report of Executive Officer.

No report

10. Report of the Standing Committees. Committee Chairpersons will report on the actionable items from Committee meetings. **Possible Action Items:** The Board may act in response to Committee recommendations. (See Committee Agendas which are incorporated as though fully set forth herein.)

- Forest Practice, Mark Andre, Chair
No action items, discussed time frames for the Road Rules
- Policy, Jim Ostrowski, Chair
- No action items, reviewed climate policy

- Management, Gary Nakamura, Chair
No action items
- Resource Protection, Pam Giacomini, Chair
No action items. Working on Fire Safe regulations (12990)

11. Report of Board's Advisory Committees

- California Oak Mortality Task Force (COMTF) – Mark Stanley
- Range Management Advisory Committee – no report
- Professional Foresters Examining Committee – Eric Huff

The following Registered Professional Foresters requested and meet the requirements for license WITHDRAWAL pursuant to 14 CCR §1608(a):

SHERILL EADES	RPF 1751	07/01/2011 - 06/30/2015
RON JOHNSTONE	RPF 2875	07/01/2011 - 06/30/2015

09-11-01 Member Ostrowski made a motion to accept the requests. The motion was seconded by Member Giacomini and passed by unanimous vote of the Board.

The following Registered Professional Foresters indicated a desire to VOLUNTARILY RELINQUISH their license to practice forestry due to retirement:

WILLIAM DELIMONT	RPF 2101
WAYNE JENSEN	RPF M61
KENNETH NIELSON	RPF 1815
KENNETH E QUICK	RPF 291
RONALD VOSS	RPF 530
JERRY WESTFALL	RPF 891
WILLIAM WINDES	RPF 1525

The Office of Professional Foresters Registration notes the RECENT PASSING of the following Registered Professional Foresters:

JERE MELO	RPF 349
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SPECIAL BOARD REPORTS AND ACTION ITEMS

12. **Hearing: Recirculation and Review of Plan by Director, 2011:** The Board of Forestry and Fire Protection (Board) proposes to amend and adopt the regulations of Title 14 of the California Code of Regulations (14 CCR) described below.

Amend

§ 895.1 Definitions

§ 898.1 Review of Plan by Director

§ 1037.3 Agency and Public Review

§ 1090.17 Agency and Public Review for the NTMP

§ 1092.18 Agency and Public Review for the PTHP

Executive Officer Gentry introduced the topic and provided an overview of the proposed rulemaking. He explained that the rule proposal was the result of litigation between the Joy Road Association and the Department of Forestry and Fire Protection and had come to be known simply as the “Joy Road Decision.” The actual decision was rendered by the First Appellate District of the California Court of Appeal following the initial decision by the Sonoma County Superior Court.

The rule proposal attempts to harmonize certain provisions of the Forest Practice Act with the project recirculation and review requirements contained in the California Environmental Quality Act pursuant to the Appellate Court decision. Mr. Gentry noted that the rule proposal had been worked on continuously by the Board’s Policy Committee for approximately three years leading up to the hearing date and enjoyed support from the California Department of Forestry and Fire Protection.

Board Member Andre asked if any written comments had been received in addition to the support letter from the Department. Mr. Gentry responded that no other written comment had been received to date.

Board Chairman Dixon opened the public hearing and called the one speaker signed up to address the Board on this matter, Ms. Jodi Frediani.

Ms. Frediani introduced herself. She then explained that she had recently reviewed a harvesting plan in which the professional forester had submitted new pages for inclusion in the plan. Cal Fire accepted those pages for inclusion without recirculation of the plan to the public. The Cal Fire representative explained that the new pages were improvements to the protections included in the plan and that recirculation was not appropriate in this instance. Ms. Frediani did not agree with this response and questioned why Cal Fire should be making this kind of decision independent of other agencies.

Ms. Frediani then provided an example of a timber harvesting plan amendment that was approved despite the contention that a Golden Eagle could be affected by amended helicopter yarding operations. She believes that this is another example of an inappropriate decision made by Cal Fire independent of other agencies.

The commenter questioned the proposed definition of “significant new information” as well as why Cal Fire would be the agency making the determination as to what information would be considered “significant new information.” She asked for responses to her questions before concluding her comments.

Chairman Dixon asked if Mr. Gentry could respond to the commenter. Mr. Gentry responded that the definition of “significant new information” is entirely consistent with the use of that term in the California Environmental Quality Act (CEQA). He also explained that the Department is the lead agency pursuant to CEQA and that as such, they are the agency entrusted with determining what constitutes “significant new information.”

Chairman Dixon brought the matter back before the Board.

09-11-02 Member Ostrowski made a motion to close the public hearing. The motion was seconded by Member Saito and passed by unanimous vote of the Board.

Member Ostrowski as Chair of the Board's Policy Committee provided additional explanation of that Committee's work on the proposed regulation. He noted that the meetings had been well attended and that discussion of the rule proposal had occurred over the course of about three years. More recently the Committee and the Department had conferred to make certain that the rule language was clear and consistent with CEQA. The Appellate Court made their decision and it was up to the Board to make the necessary changes to the Forest Practice Rules in accordance with that decision. He is confident that the proposal has addressed the issues and is prepared to make a motion.

Member Andre concurred with this explanation and agreed that the language of the rule proposal had been made sufficiently clear and consistent with the language of CEQA. He believes the proposal is ready for adoption.

09-11-03 Member Ostrowski made a motion to adopt the rule proposal. The motion was seconded by Member Andre.

Chairman Dixon called for a roll call vote:

**Member Giacomini - Aye
Member Ostrowski - Aye
Member Saito - Aye
Member Andre - Aye
Chairman Dixon - Aye**

The motion passed unanimously and the rule was adopted.

13. Fire Plan Implementation Update- Phyllis Banducci, Chief, Fire Planning. CAL FIRE.

14. Discussion of Nominees for the Jackson Demonstration State Forest Advisory Group. **Possible action item:** Board may approve the nominations.

09-11-04 Member Ostrowski made a motion to accept the candidates as proposed. The motion was seconded by Member Saito.

Chairman Dixon called for a roll call vote:

**Member Giacomini - Aye
Member Ostrowski - Aye
Member Saito - Aye
Member Andre - Aye
Chairman Dixon - Aye**

15. **Presentation of the Francis Raymond Award.** The Board of Forestry and Fire Protection awarding the 2011 Francis H. Raymond Award for Outstanding Contributions to California Forestry to Diane Dealey Neill. The Board is recognizing Ms. Neill with its highest honor for her dedication to mentoring youth and educating the public about the benefits of forest management.

CONCLUSION

16. Public Forum.

No comment received.

17. New and Unfinished business.

Adjournment.

Respectfully submitted,

ATTEST:

George D. Gentry
Executive Officer

Stan Dixon
Chairman

Copies of the attendance sheets can be obtained from the Board Office.